

REMARKS

In an Office Action dated 04 May 2004, all pending claims 1-12 are rejected on prior art grounds. Additionally, claim 10 is objected to for an informality. In response to the Action, Applicant herein amends claims 1, 5-10, and 12 and submits the present Remarks, which place the application in condition for allowance. Entry and consideration hereof is respectfully requested.

The Examiner's particular objections and rejections are now addressed in turn.

Claim 10 is objected to due to a spelling error. Claim 10 is herein amended to correct the spelling error. Withdrawal of the objection is requested.

Claims 1-6, 8, 9, 11, and 12 are rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 4,338,587 to Chiappetti. However, as will be shown herein, Chiappetti does not teach each and every limitation of claim 1. Thus claim 1, and claims 2-6, 8, 9, 11, and 12 which depend from claim 1, are novel over Chiappetti.

In response to the Office Action, Applicant herein amends claims 1, 5-10, and 12 to better clarify and distinguish the invention. Amended claim 1 recites a method for automated processing of availability-checking, reservation and assigning transactions related to local fixed offers of goods and/or services. The method includes using a supraregional communication link for selecting a provider's offer by the user, assigning an authorization code to the offer which is transmitted to the user and is stored in a memory unit at the user, and providing a reservation by storing a code and providing of a reservation and code information to an authorization-verification system by the provider, and using a local-area communication link for providing a contactless code verification when the user enters a proximity area of the code verification system, and releasing access to the user upon a positive result of a code verification.

As will be shown, at least these limitations of claim 1 is not found, expressly or implicitly, in Chiappetti.

Chiappetti teaches a toll collection system including a mobile vehicle identification sending unit mounted on a vehicle for sending vehicle identification information and a stationary control unit disposed near the entrance of a toll lane for receiving the identification information as the vehicle moves through the lane. Col. 1, line 58 – Col. 2, line 21. As the vehicle drives past the control unit, the identification information is registered by the control unit so that the owner of the vehicle is properly charged for the toll by the toll authority without requiring the vehicles to stop and pay. *Id.*

The Chiapetti system 10 is specifically shown in Figure 1 as including vehicles 12 and 13 driving on a toll road 15 in lanes 14 and 16. Col. 2, lines 41 – Col. 3, line 10. The vehicles 12 and 13 include mobile vehicle sending units 17 and 18, respectively, disposed therein. *Id.* Stationary control units 19 and 20 are disposed in the lanes 14 and 16, respectively. *Id.* As the vehicles 12, 13 approach, each control unit 19, 20 transmits a signal REQ requesting that the sending units 17, 18 send unique vehicle identification INFO to the control units. *Id.* In response, the sending units 17, 18 transmit the INFO which includes vehicle identification or license plate numbers. *Id.* The INFO is received by the control unit 19, 20 and recorded for toll collection purposes. *Id.* The mobile sending units 17, 18 are battery powered and are mounted in the respective vehicles 12, 13. Col. 3, lines 58-65. Annually, when state license plates are purchased, an additional flat fee is charged to the operators of the motor vehicles 12, 13 for tolls to be paid in the coming year. Col. 5, lines 3-17. Then, as the toll system 10 is used, the appropriate money is drawn from the operators' accounts. *Id.*

As mentioned, amended claim 1 recites a method for automated processing of availability-checking, reservation and assigning transactions related to local fixed offers of goods and/or services. Chiappetti discloses an automatic toll system, as discussed above. The reference does not teach or suggest a method of automated processing of *availability-checking, reservation and assigning transactions of offers*, as recited in Applicant's claim 1.

The method of claim 1 includes two general steps, one conducted using a supraregional communication link and the other using local-area communication link. The specification states that “the term supraregional communications link refers to any existing or potential communication system that is preferably suitable for digital data transmission over great distances.” Page 2, lines 28-30. Using a supraregional communication link, the claimed method comprises selecting a provider’s offer by the user, assigning an authorization code to the offer which is transmitted to the user and is stored in a memory unit at the user, providing a reservation by storing a code and providing of a reservation and code information to an authorization-verification system by the provider.

Chiappetti does not disclose using a supraregional communication link as recited in claim 1. The reference simply states, on the one hand, that a toll account is annually maintained by a vehicle operator when state license plates are purchased and, on the other hand, that the control unit locally communicates with the mobile sending unit when the vehicle passes through the toll. That is, the control unit includes low power signal transmitters 43 and 56 which operate only when the mobile and control units are in close proximity. Col. 4, lines 28-41. The control unit further includes a memory 68 for storing the INFO signal received from passing vehicles. *Id.* Clearly, Chiappetti does not disclose a *supraregional* communications link as claimed.

Moreover, Chiappetti does not disclose *a user selecting a provider’s offer* via a supraregional communication link, as claimed. In Chiappetti, the operator simply pays in advance for annual tolls when purchasing state license plates. Additionally, the reference does not teach *assigning an authorization code to the offer which is transmitted to the user* via a supraregional communications link, as claimed. The unique information INFO of the mobile unit of Chiappetti is not transmitted via a supraregional link, as required by the claim. Also, Chiappetti does not teach the provider *providing a reservation by storing a code* nor the provider *providing a reservation and code information to an authorization-verification system* via the supraregional communications link, as claimed. In Chiappetti, reservations are not provided. Instead, the mobile sending unit of Chiappetti is programmed to locally send the signal INFO when prompted by the control unit. The

references does not teach providing information to an authorization-verification system. Chiappetti does not verify an authorization code, but instead simply receives and stores the INFO signal and then allows the vehicle to pass. Thus, at least these discussed limitaitons of claim 1 are not taught or even suggested by the Chiappetti reference.

Amended claim 1 uses a local-area communication link for providing a contactless code verification when the user enters a proximity area of the code verification system and for releasing access to the user upon a positive result of a code verification. As mentioned above, Chiappetti does not conduct contactless verification of a user's authorization code. Chiappetti simpley receives and stores the signal INFO. If Chiappetti detects the presence of a vehicle, but receives no INFO signal, the system requests or requires the vehicle to stop. Col. 3, lines 11-41. However, the Chiapetti system does not *verify* the signal INFO. That is, Chiappetti simply *records* the signal INFO and provides no verification thereof. Since Chiappetti does not verify an authorization code, the reference necessarily does not release access to the user upon a positive result of the verification system, as claimed. Accordingly, Chiappetti at least does not teach or suggest these limitations of claim 1.

As discussed, the Chiappetti reference does not teach each and every limitation of amended claim 1. Claim 1 is therefore novel over Chiappetti. The outstanding §102(b) rejection is thus improper and may not be maintained; reconsideration and withdrawal thereof is respectfully requested.

As mentioned, claims 2-6, 8, 9, 11, and 12 are also rejected as lacking novelty over Chiappetti. However, all of these claims variously depend from novel independent claim 1 and are thus correspondingly novel; reconsideration and withdrawal of the relevant rejections is respectfully requested.

Claims 1-6 and 8-12 are further rejected under 35 U.S.C. §102(e) as lacking novelty in view of U.S. Patent No. 5,805,082 to Hassett. In response, Applicant submits that Hassett fails to teach each and every limitation of amended claim 1. Thus, claim 1 and claims 2-6 and 8-12 depending therefrom are not anticipated by Hassett.

The Hassett reference discloses a roadway toll facility which enables automatic collection of toll charges from vehicles moving through the facility at speeds up to sixty miles per hour. Col. 12, lines 19-25. Referring to Figure 1, an electronic toll collection system 10 is described as including a communications system having two transmitter modules T1, T2 and an in-vehicle component (IVC) 16. Col. 12, lines 19-59. The transmitter T1 is positioned along a road 12 ahead of a toll plaza 18 and transmits a toll-facility-identifier signal to a passing vehicle 14. *Id.* The transmitter T2 is disposed at the toll plaza 18 and initiates toll collection of the approaching vehicle 14 by sending a COLLECT signal 20. The IVC includes a microprocessor, a memory, and other components so as to receive, decode, and store the T1 signal, interpret the signal, calculate the required toll amount based upon the stored signal, store the calculated toll amount, and debit the caluclated amount at the toll plaza 18 in response to the T2 signal. Col. 16, lines 28-37. An operator of the vehicle 14 personally visits a toll facility to acquire or service an IVC. Col. 24, lines 1-11. At the facility, a toll collection agent connects the IVC to a cash terminal 17 by which money can be credited to the IVC and by which a code can be downloaded to the IVC representative of the class of the vehicle 14, e.g., car, truck, etc. Col. 12, lines 60-67; Col. 24, lines 3-11.

As discussed above, claim 1 recites a method for automated processing of availability-checking, reservation and assigning transactions related to local fixed offers of goods and/or services. Hassett does not address availability-checking, reservation and assigning transactions but instead discloses an automatic toll collection system.

Claim 1 further requires use of a supraregional communications link for selecting a provider's offer by the user, assigning an authorization code to the offer which is transmitted to the user and is stored in a memory unit at the user, providing a reservation by storing a code and providing of a reservation and code information to an authorization-verification system by the provider. Hassett does not teach or even suggest a supraregional communications link, as recited in claim 1. In Hassett, the IVC is programmed with account balance and vehicle class by the user physically handing the IVC over to a toll collection agent who attaches the IVC to a terminal 17. Clearly, the user in the Hassett

system is not selecting a provider's offer via a supraregional communications link, as required by claim 1. Additionally, Hassett does not teach an authorization code or transmission thereof via the supraregional link, as also recited in claim 1. To the contrary, in Hassett the toll collection agent manually attaches the IVC to the terminal and programs the IVC with a code corresponding to vehicle class; the code is used to determine proper toll amounts, NOT to grant authorization. Furthermore, in Hassett the provider does not provide a reservation by storing a code nor does the provider provide reservation and code information to an authorization-verification system via a supraregional link. The provider in Hassett simply credits and debits an account balance stored in the IVC. No reservation is provided and no code information provided to any type of authorization-verification system, as required by claim 1.

Claim 1 further recites using a local-area communication link for providing a contactless code verification when the user enters a proximity area of the code verification system and releasing access to the user upon a positive result of a code verification. Again, Hassett does not verify a code as recited by claim 1. Instead, the code programmed into the IVC relates to the class of the vehicle and is used simply to determine the appropriate toll amount.

Thus, the Hassett reference does not teach each and every limitation of amended claim 1. Claim 1 is therefore novel over Hassett. The outstanding §102(b) rejection is thus improper and may not be maintained; reconsideration and withdrawal thereof is respectfully requested.

As mentioned, claims 2-6 and 8-12 are also rejected as lacking novelty over Chiappetti. However, all of these claims variously depend from novel independent claim 1 and are thus correspondingly novel; reconsideration and withdrawal of the relevant rejections is respectfully requested.

Claims 1 and 5-12 are further rejected under §102(e) as lacking novelty in view of U.S. Patent Application Publication No. 2001/0016825 to Pugliese. Claim 1, as discussed

above, recites a method of automated processing comprising, inter alia, using a local-area communication link for providing a contactless code verification when the user enters a proximity area of the code verification system. At least this element of claim 1 is not met by Pugliese.

The Examiner states that in paragraph 60 Pugliese discloses contactless code verification in form of a non-contact optical retinal scan and a non-contact optical reader. See, Office Action page 5. Paragraph 60 states, "...the passenger may be required to insert a boarding pass having his I.D. number on it into an optical or magnetic reader as he enters the boarding ramp to the plane. The optical or magnetic reader reads the passenger I.D. number from the boarding pass and transfers this information to the main computer..." Elsewhere in the reference, Pugliese does discloses utilization of an optical retinal scan but only for the purpose of *identifying the user*. See, e.g., paragraphs 13, 45, etc. That is, Pugliese only provides code recognition and verification by contact means, such as magnetic stripe readers, optical character readers, etc. The reference reserves optical retinal scanning for user identification.

Thus, at least the above mentioned limitation of claim 1 is not met by Pugliese. Accordingly, claim 1 is novel over Pugliese; reconsideration and withdrawal of the relevant rejection is respectfully requested. Claims 5-12, also rejected in view of Pugliese, variously depend from novel claim 1 and are thus correspondingly novel; reconsideration and withdrawal of the relevant rejections is requested.

All of the §102 novelty rejections of pending claims 1-12 are thus overcome. The claims are not further rejected or objected to. Accordingly, claims 1-12 are allowable. Prompt issuance of a Notice of Allowance is respectfully requested.

The present claim amendments do not include any new matter as antecedent support is found throughout the originally filed application.

The Examiner is invited to contact Applicant's attorneys at the below-listed telephone number regarding this Reply or otherwise concerning the present application.

**Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time
necessary for entry and consideration of the present Amendment.**

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account no. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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